DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 3/15/10 with respect to claim 1 have been considered

but are moot in view of the new ground(s) of rejection. See the new rejection below.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 14-15 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 14 recites a "program storage device"

which can be reasonably be interpreted to include a carrier wave or signal. Examiner

recommends the language "non-transitory program storage device" in order to make the

claim statutory.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-3 and 5-15** are rejected under 35 U.S.C. 103(a) as being unpatentable

over US PG Pub 2005/0155056 to Knee et al (hereafter referenced as Knee) in view of

US Patent 7,146,627 to Ismail et al (hereafter referenced as Ismail) and US PG Pub

2003/0145323 to Hendricks et al (hereafter referenced as Hendricks).

Regarding **claim 1,** "a method for selecting personalized commercials"

reads on the method for targeting advertisements (abstract) disclosed by Knee

and represented in Fig. 1.

As to "said method comprising the steps of: providing, for each of a

plurality of programs, a score indicating a degree of preference of at least one

user in relation thereto using a program recommender" Knee discloses (¶0008,

¶0009, ¶0027) that the system determines user input values for categories, such

as sports, science fiction based on user input as represented in Fig. 2. Knee

further discloses (¶0036 and claim 19) that each program has a bearing on at

least one category.

As to "providing, for each of a plurality of commercials, respective

correlation factors indicating respective degrees of effectiveness in relation to

each of the plurality of programs using a commercial classifier" Knee discloses

(¶0020, ¶0028-¶0033) that the advertisement includes value for categories

associated with each advertisement where the preselected value of the

advertisement is compared with the demographic categories value entered by

user to detect the correct advertisement to display for the user as represented in

Fig. 2.

As to "providing, for each of the plurality of commercials, a metric

indicating a degree of effectiveness in relation to the at least one user based on

the scores and the respective correlation factors using a processor" Knee

discloses (¶0028-¶0033, ¶0050) that the advertisement is provided to the user

based on the values assigned to categories by user input and the value assigned

to the advertisement associated with the categories as represented in Figs. 5 and

1 (element 60).

Knee meets all the limitations of the claim except he does not explicitly

teach that a score is provided for each program. However, Ismail discloses

(col.12, lines 61-66) that the system determines viewer preference based on

viewer choosing each program with the highest score as represented in Fig. 6.

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to modify Knee's invention by using score to evaluate a

viewer's favorite program as taught by Ismail in order to provide valuable

information about the television viewing habits of the viewer (col.1, lines 61-62).

Combination of Knee and Ismail meets all the limitations of the claim

except "providing, for each of a plurality of commercials, respective correlation

factors indicating respective degrees of effectiveness in relation to each of the

plurality of programs using a commercial classifier." However, Hendricks

discloses (¶0243-¶0250) that the ranking is provided for each advertisement that

indicates the measure of effectiveness with the associated program as

represented in TABLE I. Therefore, it would have been obvious to one of the

ordinary skills in the art at the time of the invention to modify Knee and Ismail's

systems by providing a value to indicate a degree of effectiveness between a

commercial and a program as taught by Hendricks in order to optimize advertising expenditure by ensuring that specific advertisements are directed to the appropriate audiences (¶0015).

Regarding **claim 2,** "the method wherein: for each of the plurality of commercials, the providing the metric comprises summing, over each of the plurality of programs, a product of the score for each of the plurality of programs and the correlation factor for each of the plurality of commercials relative to each of the plurality of programs" Knee discloses (¶0028) that the values of programs in categories are compared with preselected values associated with advertisement to determine the targeted ads.

Regarding **claim 3,** "the method further comprises the step of: selecting at least one of the plurality of commercials to provide to the at least one user based on its metric" Knee discloses (¶0029-¶0033) that the advertisement is displayed to the user based on the determination made by comparing program categories with advertisement.

Regarding **claim 5,** "the method wherein: for each of the plurality of commercials, the respective correlation factors are provided by advertisers associated therewith" Knee discloses (¶0020) that the advertisement information includes preselected values for each advertisement assigned to the categories

are received from main facility (advertisers) as represented in Fig. 1 (element 36).

Regarding **claim 6,** "the method wherein: the programs comprise video programs" Knee discloses (¶0028) that the viewer is watching the ESPN channel.

Regarding **claim 7,** "the method wherein: the programs comprise television programs" Knee discloses (¶0025) that the user of the set-top box can watch/record television programs.

Regarding **claim 8,** "the method wherein: the programs comprise audio programs" Knee discloses (¶0020, ¶0025) that the STB receives television programs as well as advertisement information that includes audio/video, text information. However, Ismail discloses (col.6, lines 35-37) that the signals transmitted to receiver include audio and video programs. In addition, same motivation is used as rejection to claim 1.

Regarding **claim 9,** "the method wherein: the programs have audio and video portions" Knee discloses (¶0025) that the STB receives television programs. However, Ismail discloses (col.6, lines 35-37) that the signals transmitted to receiver include audio and video programs. In addition, same motivation is used as rejection to claim 1.

Regarding **claim 10,** "an apparatus for selecting personalized

commercials" reads on the system for targeting advertisements (abstract)

disclosed by Knee and represented in Fig. 1.

As to "said apparatus comprising: means for providing, for each of a

plurality of programs, a score indicating a degree of preference of at least one

user in relation thereto" Knee discloses (¶0008, ¶0009, ¶0027) that the system

determines user input values for categories, such as sports, science fiction based

on user input as represented in Fig. 2. Knee further discloses (¶0036 and claim

19) that each program has a bearing on at least one category.

As to "means for providing, for each of a plurality of commercials,

respective correlation factors indicating respective degrees of effectiveness in

relation to each of the plurality of programs" Knee discloses (¶0020, ¶0029-

¶0033) that the advertisement includes value for categories associated with each

advertisement as represented in Fig. 2.

As to "means for providing, for each of the plurality of commercials, a

metric indicating a degree of effectiveness in relation to the at least one user

based on the scores and the respective correlation factors" Knee discloses

(¶0028-¶0033, ¶0050) that the advertisement is provided to the user based on

the values assigned to categories by user input and the value assigned to the

advertisement associated with the categories as represented in Fig. 5.

Knee meets all the limitations of the claim except he does not explicitly

teach that a score is provided for each program. However, Ismail discloses

(col.12, lines 61-66) that the system determines viewer preference based on

viewer choosing each program with the highest score as represented in Fig. 6.

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to modify Knee's invention by using score to evaluate a

viewer's favorite program as taught by Ismail in order to provide valuable

information about the television viewing habits of the viewer (col.1, lines 61-62).

Combination of Knee and Ismail meets all the limitations of the claim

except "means for providing, for each of a plurality of commercials, respective

correlation factors indicating respective degrees of effectiveness in relation to

each of the plurality of programs." However, Hendricks discloses (¶0243-¶0250)

that the ranking is provided for each advertisement that indicates the measure of

effectiveness with the associated program as represented in TABLE I.

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to modify Knee and Ismail's systems by providing a

value to indicate a degree of effectiveness between a commercial and a program

as taught by Hendricks in order to optimize advertising expenditure by ensuring

that specific advertisements are directed to the appropriate audiences (¶0015).

Regarding **claim 11,** "the apparatus wherein: the means for providing the

metric sums, over each of the plurality of programs, a product of the score for

each of the plurality of programs and the correlation factor for each of the

plurality of commercials relative to each of the plurality of programs" Knee

discloses (¶0028) that the values of programs in categories are compared with

preselected values associated with advertisement to determine the targeted ads.

Regarding **claim 12,** "an apparatus for selecting personalized

commercials" reads on the system for targeting advertisements (abstract)

disclosed by Knee and represented in Fig. 1.

As to "apparatus comprising: a program recommender providing, for each

of a plurality of programs, a score indicating a degree of preference of at least

one user in relation thereto" Knee discloses (¶0008, ¶0009, ¶0027) that the

system determines user input values for categories, such as sports, science

fiction based on user input as represented in Fig. 2. Knee further discloses

(¶0036 and claim 19) that each program has a bearing on at least one category.

As to "a commercial classifier providing, for each of a plurality of

commercials, respective correlation factors indicating respective degrees of

effectiveness in relation to each of the plurality of programs" Knee discloses

(¶0020, ¶0029-¶0033) that the advertisement includes value for categories

associated with each advertisement as represented in Fig. 2.

As to "a processor providing, for each of the plurality of commercials, a

metric indicating a degree of effectiveness in relation to the at least one user

based on the scores and the respective correlation factors" Knee discloses

(¶0028-¶0033, ¶0050) that the advertisement is provided to the user based on

the values assigned to categories by user input and the value assigned to the

advertisement associated with the categories as represented in Fig. 5.

Knee meets all the limitations of the claim except he does not explicitly

teach that a score is provided for each program. However, Ismail discloses

(col.12, lines 61-66) that the system determines viewer preference based on

viewer choosing each program with the highest score as represented in Fig. 6.

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to modify Knee's invention by using score to evaluate a

viewer's favorite program as taught by Ismail in order to provide valuable

information about the television viewing habits of the viewer (col.1, lines 61-62).

Combination of Knee and Ismail meets all the limitations of the claim

except "a commercial classifier providing, for each of a plurality of commercials,

respective correlation factors indicating respective degrees of effectiveness in

relation to each of the plurality of programs." However, Hendricks discloses

(¶0243-¶0250) that the ranking is provided for each advertisement that indicates

the measure of effectiveness with the associated program as represented in

TABLE I. Therefore, it would have been obvious to one of the ordinary skills in

the art at the time of the invention to modify Knee and Ismail's systems by

providing a value to indicate a degree of effectiveness between a commercial

and a program as taught by Hendricks in order to optimize advertising

expenditure by ensuring that specific advertisements are directed to the appropriate audiences (¶0015).

Regarding **claim 13,** "the apparatus wherein: the processor provides the metric by summing, over each of the plurality of programs, a product of the score for each of the plurality of programs and the correlation factor for each of the plurality of commercials relative to each of the plurality of programs" Knee discloses (¶0028) that the values of programs in categories are compared with preselected values associated with advertisement to determine the targeted ads.

Regarding **claim 14,** "a program storage device tangibly embodying a program of instructions executable by a machine to perform a method for selecting personalized commercials" reads on the system for targeting advertisements (abstract) disclosed by Knee and represented in Fig. 1.

As to "the method comprising: providing, for each of a plurality of programs, a score indicating a degree of preference of at least one user in relation thereto" Knee discloses (¶0008, ¶0009, ¶0027) that the system determines user input values for categories, such as sports, science fiction based on user input as represented in Fig. 2. Knee further discloses (¶0036 and claim 19) that each program has a bearing on at least one category.

As to "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to

each of the plurality of programs" Knee discloses (¶0020, ¶0029-¶0033) that the

advertisement includes value for categories associated with each advertisement

as represented in Fig. 2.

As to "providing, for each of the plurality of commercials, a metric

indicating a degree of effectiveness in relation to the at least one user based on

the scores and the respective correlation factors" Knee discloses (¶0028-¶0033,

¶0050) that the advertisement is provided to the user based on the values

assigned to categories by user input and the value assigned to the advertisement

associated with the categories as represented in Fig. 5.

Knee meets all the limitations of the claim except he does not explicitly

teach that a score is provided for each program. However, Ismail discloses

(col.12, lines 61-66) that the system determines viewer preference based on

viewer choosing each program with the highest score as represented in Fig. 6.

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to modify Knee's invention by using score to evaluate a

viewer's favorite program as taught by Ismail in order to provide valuable

information about the television viewing habits of the viewer (col.1, lines 61-62).

Combination of Knee and Ismail meets all the limitations of the claim

except "providing, for each of a plurality of commercials, respective correlation

factors indicating respective degrees of effectiveness in relation to each of the

plurality of programs." However, Hendricks discloses (¶0243-¶0250) that the

ranking is provided for each advertisement that indicates the measure of

effectiveness with the associated program as represented in TABLE I.

Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to modify Knee and Ismail's systems by providing a

value to indicate a degree of effectiveness between a commercial and a program

as taught by Hendricks in order to optimize advertising expenditure by ensuring

that specific advertisements are directed to the appropriate audiences (¶0015).

Combination of Knee, Ismail and Hendricks meets all the limitations of the

claim except "a computer program stored on the storage medium." However, the

Examiner takes official notice that it was well known in the art at the time of the

invention to store computer program on computer readable medium. Therefore,

it would have been obvious to one of ordinary skills in the art at the time of the

invention to store computer readable program on recorded medium to Knee,

Ismail, and Hendricks' systems would have yielded predictable result of easily

installing program on the other computer devices.

Regarding **claim 15**, "the program storage device wherein the providing

the metric comprises summing, over each of the plurality of programs, a product

of the score for each of the plurality of programs and the correlation factor for

each of the plurality of commercials relative to each of the plurality of programs"

Knee discloses (¶0028) that the values of programs in categories are compared

with preselected values associated with advertisement to determine the targeted

ads.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- US PG Pub 2003/0110499 to Knudson

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PINKAL CHOKSHI whose telephone number is (571)

270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt.

Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425